

SERVICE DATE – JULY 24, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42121

TOTAL PETROCHEMICALS & REFINING USA, INC.

v.

CSX TRANSPORTATION, INC.

Digest:¹ The Board orders the parties to submit compliance evidence to facilitate review of the parties' arguments.

Decided: July 21, 2015

Total Petrochemicals & Refining USA, Inc. (TPI) has challenged the reasonableness of rates established by CSX Transportation, Inc. (CSXT), for transportation between 104 origin and destination pairs, located primarily in the Midwestern and Southeastern United States. Concurrently with this decision, the Board issued a decision addressing TPI's petition to supplement the record and ordering the parties to submit supplemental evidence addressing operating plan issues. We issue this order to ensure that all the evidence submitted to date and in response to today's order to submit supplemental evidence establishes a sufficient record to permit the Board to proceed with its consideration of TPI's claims. See AEP Tex. N. Co. v. BNSF Ry., NOR 41191 (Sub-No. 1), slip op. at 1-2 (STB served Mar. 17, 2006); W. Fuels Ass'n v. BNSF Ry., NOR 42088, slip op. at 1-2 (STB served Mar. 17, 2006); Otter Tail Power Co. v. Burlington N. & Santa Fe Ry., NOR 42071, slip op. at 1-2 (STB served Dec. 13, 2004). The requested evidence will address deficiencies in the parties' previous filings and will therefore facilitate the Board's review of the evidence.

General

1. Provide references to underlying documents for all hard-coded numbers that appear in workpapers.
2. Link dependent spreadsheet files.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

Traffic Group

1. Identify how all the issue traffic moves over the stand-alone railroad. List the trains (including local trains) on which the issue traffic moves.
2. Identify “high priority” UPS and Threads Express traffic referenced in CSXT’s reply at III-A-9 to III-A-10 in the following areas:
 - a. Traffic and Revenue;
 - b. Trains Lists.
3. Provide timestamps for UPS and Threads Express traffic by milepost.
4. Add a unique identifier that matches records from the revenue workpapers to the Maximum Markup Methodology model.

Operating Plan

1. Compile an amended train list.
2. Recalculate service units based on the amended train list and Rail Traffic Controller (RTC) results.
3. Recalculate all costs that are dependent on the amended train statistics.
4. Adjust infrastructure as necessitated by RTC modeling.

RTC Model

1. Ensure all locations referenced in the narrative by name or milepost are also referenced by at least one RTC node.
2. Provide a list of the following locations in the RTC model and provide at least one RTC node for the following locations:
 - a. rail stations;
 - b. the origins and destinations of all traffic;
 - c. interchanges;
 - d. industry leads;
 - e. random outages (provide a beginning and ending RTC node); and
 - f. yards.

The parties should submit this compliance evidence according to the procedural schedule that is described in the concurrently served decision ordering the submission of supplemental evidence.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The parties should submit the above described compliance evidence according to the procedural schedule outlined in the concurrently served decision ordering the submission of supplemental evidence.

2. This decision is effective on the date of service.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Miller.